

APPEAL NO. 040456  
FILED APRIL 15, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 27, 2004. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; that the claimant failed to timely notify her employer of a work-related injury pursuant to Section 409.001, and the respondent (carrier) is relieved of liability under Section 409.002; and that the claimant did not have disability. The claimant appealed on sufficiency of the evidence grounds. The carrier responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. We note that the claimant submitted a written statement into evidence, which, if believed, would support her assertion that the employer was given timely notice of the claimed injury. However, the hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In light of the hearing officer's resolution of the disputed issues in this case, he implicitly must have determined that the statement in question was not credible. In view of the evidence presented, we cannot conclude that the hearing officer's determinations regarding injury, timely notice, and disability are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, COMMODORE 1, SUITE 750  
AUSTIN, TEXAS 78701.**

---

Daniel R. Barry  
Appeals Judge

CONCUR:

---

Gary L. Kilgore  
Appeals Judge

---

Edward Vilano  
Appeals Judge